

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:12-00046

ANDRE LASHUN HARRIS

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On July 31, 2012, the United States of America appeared by Blaire L. Malkin, Assistant United States Attorney, and the defendant, Andre Lashun Harris, appeared in person and by his counsel, Edward H. Weis, Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by United States Probation Officer Amy Berry-Richmond, the defendant having commenced a six-year term of supervised release in this action on September 17, 2010, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on September 11, 2007.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant violated state and local law inasmuch as on December 15, 2011, he was arrested for a motor vehicle inspection violation and for no proof of insurance as evidenced by his guilty plea on April 2, 2012; (2) that the defendant failed to notify the probation officer at least ten days prior to his change in residence from Beckley, West Virginia, to Oak Hill, West Virginia; and (3) that the defendant used and possessed oxycodone as evidenced by a positive urine screen submitted by him on December 6, 2011, for which he did not have a valid prescription; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously


imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense, the intervening conduct of the defendant and after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of THREE (3) MONTHS, to be followed by a term of forty-eight (48) months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: August 1, 2012



John T. Copenhaver, Jr.
United States District Judge